

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RACHEL KAY KELLER,

Plaintiff,

NO. 20-CV-00259 KG/SCY

vs.

ANDREW F. ARRIETA,

Defendant/Third-Party Plaintiff,

vs.

COOPER & SCULLY, PC, ERIC HINES,  
WESLEY G. JOHSON, TOM CARSE and  
SEAN P. McAFEE,

Third-Party Defendants.

**STIPULATED ORDER OF DISMISSAL**

THIS MATTER came before the Court on Plaintiff, Rachel Kay Keller's ("Keller"), and Defendant, Andrew F. Arrieta's ("Arrieta"), stipulation to dismiss with prejudice all claims, counterclaims and defenses asserted by Keller and Arrieta against each other pursuant to the settlement agreement reached between Keller and Arrieta at the Rule 16 Settlement Conference conducted by Magistrate Judge Steven C. Yarbrough from February 6 – 10, 2023 (*See* Doc. 332). The Court being fully advised of the relevant legal authority and facts in this case FINDS:

1. Pursuant to the written Settlement Agreement and Mutual Release executed by Keller and Arrieta on February 16, 2023 ("Agreement"), the parties agree that all claims asserted by Keller against Arrieta in Keller's Second Amended Complaint for Breach of Contract, Breach of Duty of Good Faith and Fair Dealing and Invasion of Privacy (Doc. 90), should be dismissed with prejudice.

2. Pursuant to the Agreement all counterclaims asserted by Arrieta against Keller in his Answer to First Amended Complaint, Counterclaim and Third Party Complaint (Doc. 23) and the pending Answer to Second Amended Complaint, Counterclaim and Third Party Complaint (Doc. 218-1), should be dismissed with prejudice.

IT IS THEREFORE ORDERED that Plaintiff Rachel Kay Keller's Second Amended Complaint for Breach of Contract, Breach of Duty of Good Faith and Fair Dealing and Invasion of Privacy (Doc. 90), and Defendant Andrew F. Arrieta's Counterclaims asserted against Plaintiff (Docs. 23, 218-1) are hereby dismissed with prejudice.

  
UNITED STATES DISTRICT JUDGE

Submitted by:

MACIAS-MAYO & THOMAS, PC

By: /s/ Denise M. Thomas

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